



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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February 11, 2021

**VIA E.C.F.**

Honorable Lorna G. Schofield  
United States District Judge  
United States District Court  
Eastern District of New York  
500 Pearl Street  
New York, New York 10007

The application is GRANTED in part. By **March 17, 2021**, Defendants shall answer, move or otherwise respond to the Complaint. The parties' attention is directed to the requirement for pre-motion letters per the Individual Rules. No further extensions will be granted absent extraordinary circumstances. The Court does not ordinarily extend the initial pre-trial conference past the answer deadline. Because Defendants are waiting for Plaintiff's BOP medical records, the initial pre-trial conference scheduled for February 18, 2021, at 11:00 a.m., is **adjourned to March 4, 2021, at 11:00 a.m.**, on the following conference call line: 888-363-4749, access code: 558-3333. The time of the conference is approximate but the parties shall be ready to proceed by that time.

**SO ORDERED**

**Dated: February 12, 2021**  
New York, New York

**RE: John O'Sullivan v. City of New York, et al.**  
**20 Civ. 10510 (LGS)**

**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendant City of New York ("the City") in the above referenced action. For the reasons set forth below, City respectfully requests that the time for the City to file a responsive pleading to the Complaint be extended from February 15, 2021, to March 17, 2021. This is the City's second request for an extension of time to respond to the Complaint and the Plaintiff's counsel, Samuel C. DePaola, consents to this request. City notes that the Court granted in part and denied in part the original extension request. (See E.C.F. No. 12) Given that the proposed answer filing deadline would be after the scheduled February 18, 2021 conference date (E.C.F. No. 9), City also request to adjourn the Initial Conference until after March 17, 2021, at a date and time that is convenient for the Court. City notes that the Plaintiff's counsel also consents to this adjournment request.

On January 22, 2021, Defendant received the Plaintiff's executed medical release concerning this matter. Once received, Defendant requested the Plaintiff's medical records shortly thereafter and is still awaiting receipt of said medical records. Defendant adds that, prior to January 22, 2021, the undersigned requested documents related to the alleged incident from the New York City Department of Correction ("D.O.C."). The undersigned, however, has not received documents related to this matter as of the date of this application. Relatedly, the

undersigned has not received documents pertaining to the individually named defendant, Correction Officer D'Arco Jr., which has delayed our Office's ability to assume his legal representation in accordance with New York General Municipal Law § 50(k). The undersigned was informed by D.O.C. that documents pertaining to this matter would be received in the next weeks.

Consequently, and in order to comply with the ethical requirements reflected in Rule 11(b) of the Federal Rules of Civil Procedure, City respectfully requests a second extension of time to file a response to the Complaint, from February 15, 2021, to March 17, 2021. The City also requests to adjourn the Initial Conference to a date after March 17, 2021, that is convenient for the Court.

Thank you for your consideration herein.

Respectfully submitted,

*Jorge Marquez/S/*  
Jorge M. Marquez  
*Senior Counsel*  
Special Federal Litigation Division

cc: VIA E.C.F.  
All counsel of record.